



**DESOTO COUNTY PLANNING COMMISSION  
ORDER OF ITEMS  
September 28, 2006**

1. Call to Order
2. Invocation
3. Roll Call
4. Approval of Minutes – August 31, 2006

**CONSENT AGENDA**

**Minor Lots**

**Joyner, Mika (6528)** – Application is for final subdivision approval of one lot of 2 acres out of 14.66 acres. Subject property is located on the south side of Fairview Road and the west side of Red Banks Road, in Section 31, Township 2, Range 5 and is zoned Agricultural. (District 5)

**Gunter Minor Subdivision (6529)** – Application is for final subdivision approval of one lot of 1.5 acres out of 11.95 acres. Subject property is located south of Holly Springs Road and the east side of McIngvale Road, in Section 20, Township 3, Range 7 and is zoned Agricultural-Residential. (District 5) **\*MUST BE PLATTED AND RECORDED**

**McGarrh, Elaine (6530)** – Application is for final subdivision approval of one lot of 2.81 acres out of 79 acres. Subject property is located to the north and east of Box Corner Road, in Section 11, Township 3, Range 6 and is zoned Agricultural. (District 1)

**FINAL SUBDIVISIONS**

**Pecan Estates – Section A (6525)** – Application is for final subdivision approval of 35 lots on 31.9 acres. Subject property is located south of Holly Springs Road and east of Getwell Road, in Section 22, Township 3, Range 7 and is zoned R-30. (District 5)

**REZONINGS**

**Emerald Estates – Section B (684)** – Application is to rezone 78.9 acres from Agricultural to R-30, Residential Single Family. Subject property is located north of Highway 304 and east of Bluff Road, in Section 17, Township 3, Range 9 and is zoned Agricultural. (District 4)

## **PRELIMINARY SUBDIVISIONS**

**Atwood Acres (6512)** – Application is for preliminary subdivision approval of 12 lots on 23 acres. Subject property is located south of Spring Creek Road and west of Williams Road, in Section 30, Township 3, Range 9 and is zoned Agricultural. (District 4)

**Gray's Creek (6523)** – Application is for preliminary subdivision approval of 48 lots on 128 acres. Subject property is located south of Slocum Road and west of Getwell Road, in Sections 33 & 34, Township 3, Range 7 and is zoned Agricultural. (District 5)

**Miller Farms – Section B (6524)** – Application is for preliminary subdivision approval of 10 lots on 13.47 acres. Subject property is located south of Highway 78 and east of Miller Road, in Section 18, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)

The DeSoto County Planning Commission met at 7:00 p.m. on Thursday, September 28, 2006, in the Third Floor Board Room of the Administration Building of DeSoto County located at 365 Loshier Street, Hernando, MS. Commissioners present included: Julius Cowan, Dennis Clemmer, Leonard Lindsey, Charles McNemar, Wade Carter, Joe Forsythe, Frank Calvi, Robin James, Jimmy Maxwell and Mike Robison, Chairman. Planning Commission Staff present included Jim McDougal, Matt Hanks, and Mr. Jody Neyman, DeSoto County Attorney.

After the invocation, Mr. Robison asked if there were any additions or deletions from the Minutes of the Planning Commission meeting held on August 31, 2006, there were none. Mr. Carter then made a Motion to approve the minutes. Mr. Maxwell seconded the Motion. The Motion was passed by a unanimous vote.

**Shetland Garden (6520) – Application is for final subdivision approval of 61 lots on 36.44 acres. Subject property is located south of Star Landing Road and east of Baptist Road, in Section 20, Township 2, Range 7 and is zoned R-20. (District 5)**

Mr. McDougal informed the Planning Commission that the Shetland Gardens issue, case no. 6520, was denied by the Planning Commission, but overturned by the Board of Supervisors. The applicant has now withdrawn the PUD application.

#### **CONSENT AGENDA**

##### **MINOR LOTS**

**Joyner, Mika (6528) – Application is for final subdivision approval of one lot of 2 acres out of 14.66 acres. Subject property is located on the south side of Fairview Road and the west side of Red Banks Road, in Section 31, Township 2, Range 5 and is zoned Agricultural. (District 5)**

**Gunter Minor Subdivision (6529) – Application is for final subdivision approval of one lot of 1.5 acres out of 11.95 acres. Subject property is located south of Holly Springs Road and the east side of McIngvale Road, in Section 20, Township 3, Range 7 and is zoned Agricultural-Residential. (District 5) \*MUST BE PLATTED AND RECORDED**

**McGarrh, Elaine (6530) – Application is for final subdivision approval of one lot of 2.81 acres out of 79 acres. Subject property is located to the north and east of Box Corner Road, in Section 11, Township 3, Range 6 and is zoned Agricultural. (District 1)**

Mr. McDougal announced the Consent Agenda. Mr. McDougal then announced the above items and stated that the minor lots conform to the DeSoto County Zoning and Subdivision Regulations and are ready for approval, subject to dedication of road right of way, and health department approval. Mr. Lindsey made a Motion to approve the consent agenda. Mr. James seconded the Motion. The Motion was approved with a unanimous vote.

## **NEW BUSINESS**

### **FINAL SUBDIVISIONS**

**Pecan Estates – Section A (6525) – Application is for final subdivision approval of 35 lots on 31.9 acres. Subject property is located south of Holly Springs Road and east of Getwell Road, in Section 22, Township 3, Range 7 and is zoned R-30. (District 5)**

Mr. McDougal presented the application, staff report and comments to the Planning Commission for Pecan Estate – Section A. Mr. McDougal stated this final subdivision conform substantially to their respective preliminary plats. Mr. McDougal informed the commissioners that all of the sewer issues have been resolved. The City of Hernando will provide sewer.

Mr. Carter made a Motion to approve this final subdivision with staff recommendations. Mr. Clemmer seconded the Motion. The Motion was approved by a unanimous vote.

### **REZONINGS**

**Emerald Estates – Section B (684) – Application is to rezone 78.9 acres from Agricultural to R-30, Residential Single Family. Subject property is located north of Highway 304 and east of Bluff Road, in Section 17, Township 3, Range 9 and is zoned Agricultural. (District 4)**

Mr. McDougal presented the application, staff report and comments to the Planning Commission. He then stated that with a R-30 zoning all density requirements must be met.

Mr. Robison stated that discussion in the past it meant that there must be one (1) acre lots. Mr. McDougal replied that if you had a PUD then less than one (1) acre is permitted as long as the density requirements are met. He also stated a change in neighborhood must be shown in order for re-zoning.

Mr. Ben Smith introduced himself as representing this application. He stated that if you have eighty (80) one acre lots with one home per lot then you must adjust for the roads. He also stated that they had made application to Jackson about a treatment plant on site which would allow more units per acre. He then added that the treatment plant would be maintained by Mr. Tommy White. Mr. Smith also stated that Chickasaw Bluffs and Woodland Lakes have lots that are smaller than one (1) acre. He also added that Emerald Estates – Section A have sold almost half of their lots.

Mr. Robison questioned the location of Section A. Mr. Smith informed him that it was located across the street. Mr. Carter asked if the house sizes would be comparable to Section A. Mr. Smith responded that they would be identical.

Mr. Smith then stated that the discharge from the treatment plant would not go into Chickasaw or Woodland lakes. He said that it will go to the northwest end into Johnson Creek if approved by the DEQ. Mr. Robison asked if Johnson Creek goes into the Delta. Mr. Smith stated that it does. He added that he doesn't believe that where they plan to build would harm the nature of the rural area.

Mr. Carter asked what would the drainage plan be and Mr. Smith replied that it would be the same as Emerald Estates – Section A.

Mr. Robison asked the audience if there was anyone present to speak for or against this application. Mark and Rhonda Rodgers came forward to speak against the application. Ms. Rodgers stated that they were concerned about re-zoning to 30,000 square foot lots. She stated that they own 15 acre on the east side of the property and they want to keep the lot sizes as large as possible in this area.

Mr. Carter asked if they could approve a change in neighborhoods for something that hasn't been done. He stated that the treatment plant isn't there yet. Mr. James stated that he agreed with Mr. Carter and would like to keep the lot sizes larger.

Mr. Robison stated that at the time that it was approved Emerald Estates – Section A it was deemed appropriate for 1.5 acre lots.

Mr. Carter made a Motion to deny the application stating a change or mistake has not been proven and the design is not right for the area. Mr. James seconded the Motion. There was a roll call vote 6-4 to deny.

### **PRELIMINARY SUBDIVISIONS**

**Atwood Acres (6512) – Application is for preliminary subdivision approval of 12 lots on 23 acres. Subject property is located south of Spring Creek Road and west of Williams Road, in Section 30, Township 3, Range 9 and is zoned Agricultural. (District 4)**

Mr. McDougal presented the application, staff report and comments to the Planning Commission. There was no one present to represent this application.

Mr. Robison entertained a motion to carry over. Mr. Carter made a Motion to carry over this application until the November 2, 2006 meeting. Mr. James seconded the Motion. The Motion was approved by a unanimous vote.

**Gray's Creek (6523) – Application is for preliminary subdivision approval of 48 lots on 128 acres. Subject property is located south of Slocum Road and west of Getwell Road, in Sections 33 & 34, Township 3, Range 7 and is zoned Agricultural. (District 5)**

Mr. McDougal presented the application, staff report and comments to the Planning Commission. He then recognized Mr. Ronnie Young as being present to represent the application.

Mr. McDougal then stated that no cove can be longer than 500 feet without a break. It is a violation of subdivision regulations.

Mr. Carter stated his concern about the access to lot 12.

Mr. Young began by addressing the cove issue. He stated that Mr. Joe Frank has given many options to fix the cove. It was planned this way to give as much privacy as possible. He then stated that stub cut outs are another possible solution.

Mr. Lindsey suggested taking the road due west to the next property between lots 11 and 12. Mr. McDougal stated that there is a lake on lot 12 which creates a problem.

Mr. Lindsey mentioned that lot 12 shows that it is 5.02 acres and he would like to know how much of that acreage is the lake. Mr. Burke Hendrix then introduced himself as also representing this application. He then replied that to his understanding there will be approximately 1.5 acres of land.

Mr. McDougal asked if the lake already exists. Mr. Hendrix answered that no, the lake will be built. Mr. Robison asked how the lake will be maintained and Mr. Hendrix replied that there will be a separate Homeowners Association for the lake properties.

Mr. Clemmer asked who will maintain between the levee and street. Mr. Hendrix said that would be the responsibility of the Homeowners Association. Mr. Robison stated that he assumed they would require a strict Homeowner Association and covenants.

At this time there was discussion among the board.

Mr. Carter asked if there would be concrete spillways and Mr. Hendrix answered no. Mr. Young added that they have applied for a lake permit and approved. He added that DEQ has begun the process of approval also.

Mr. McDougal stated that this seems to be a problem and suggested that the committee sit and talk about this issue. He added that the Andy Swims, City Engineer, would need to be involved in this matter. He suggested carrying this issue over.

Mr. Robison suggested to Mr. Hendrix that he should bring back some language about the Homeowner's Association. Mr. Hendrix asked what he would like to see. Mr. Robison told him he would like to see something what will happen with the lake in the years to come.

Mr. Lindsey made a Motion to carry over this application until the November 2, 2006 meeting. Mr. Maxwell seconded the Motion. The Motion was approved by a unanimous vote.

**Miller Farms – Section B (6524) – Application is for preliminary subdivision approval of 10 lots on 13.47 acres. Subject property is located south of Highway 78 and east of Miller Road, in Section 18, Township 2, Range 5 and is zoned Agricultural-Residential. (District 1)**

Mr. McDougal presented the application, staff report and comments to the Planning Commission. He then recognized Mr. Ben Smith as being present to represent the application.

Mr. Robison asked about what is meant by the 10 lots (8 buildable) on the plat. Mr. McDougal showed him the areas in question.

Mr. Carter wanted explanation from the lots that have been redrawn by the Section B plat. Mr. Smith showed what happened since Section A. He stated the owners retained ownership of Lots 76 and 77 and will probably end up deeding these areas to surrounding properties. He stated he will try to get approval for Lot 75 for septic. Mr. Smith then showed what areas were affected by Section B.

Mr. Smith stated that these homes will be 3,000 square foot minimums and he will have two entrances for 75 lots. He then showed the areas where a fence will be built along the road. Mr. Smith stated there is an existing 4" water main along Miller Road that will be reconstructed to a 12" water main.

Mr. McDougal asked who will maintain Lots 76 & 77. Mr. Smith stated the family will for now. Mr. McDougal asked will there be a Homeowner's Association. Mr. Smith stated yes. Mr. McDougal stated that no lots will have access directly to Miller Road. Mr. Smith confirmed this statement and said all lots will have access to the roads of the subdivision.

Mr. Smith said the Homeowner's Association will maintain the lake and the lake will be visible as you come in the main entrance. Mr. McDougal asked if the Planning Commission could get an updated copy off Section A. Mr. Smith stated he has met with Mr. Jesse Medlin and Mr. Andy Swims about the subdivision. Mr. Robison asked about the cove issue being too long. Mr. Smith stated he believes the cove makes the subdivision more desirable.

Mr. James made a Motion to approve this application and waive the cove requirement. Mr. Maxwell seconded the Motion. The Motion was approved by a unanimous vote.

The meeting adjourned at 8:30 p.m. These minutes were recorded and transcribed by Matt Hanks.